IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.677 of 2004
Date of decision : 17.11.2006.

...

Mrs. Anima Goel

..... Petitioner

vs.

Haryana State Agricultural Marketing Board

.....Respondent

Coram: Hon'ble Mr. Justice M.M. Kumar
Hon'ble Mr. Justice S.N. Aggarwal

Present: Sh. O.P. Sharda, Advocate
for the petitioner.

Sh. G.S. Dhaliwal, Advocate for
Sh. Sandeep Godara, Advocate for the respondent.

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M.M. Kumar, J. (Oral)

The instant petition is directed against orders dated 5.9.2001 (Annexure P-4), 8.4.2002 (Annexure P-6) and 22.9.2003 (Annexure P-10), declining the request of the petitioner to grant her the benefit of maternity leave. It is undisputed that the petitioner has been working as a Data Entry Operator with the respondent. Initially she was employed on daily wage basis w.e.f. 1.9.1995. Thereafter, w.e.f. 1.12.1995 she became a contractual employee. The petitioner has placed reliance on Section 5 of the Maternity Benefit Act, 1961 and has submitted that she is entitled to the maternity leave benefit. The aforementioned fact that she has been working with the respondent on daily wage basis and contractual basis has remained undisputed.

However, the request made by the petitioner has been rejected by the aforementioned orders Annexures P-4, P-6 and P-10.

The issue raised in the instant petition as to whether the petitioner is entitled to the benefit of Section 5 of the Maternity Benefit Act, 1961 has already been decided by Hon'ble the Supreme Court in the case of **Municipal Corporation of Delhi vs. Female Workers (muster Roll) and another** 2000 (2) RSJ 131. The aforementioned view has been followed by this Court in the case of Smt. Vandana Sharma and another vs. State of Haryana and others (CWP No. 5518 of 2002 decided on 11.4.2002) and other number of petitions. Therefore, the writ petition deserves to be allowed.

In view of the above, the writ petition succeeds and the orders dated 5.9.2001 (Annexure P-4), 8.4.2002 (Annexure P-6) and 22.9.2003 (Annexure P-10) are hereby quashed. The respondent is directed to extend the benefit of maternity leave to the petitioner within a period of two months from the date of receipt of a certified copy of this order.

A copy of the order be given dasti on payment of usual charges.

(M.M. Kumar)
Judge

(S.N.Aggarwal)
Judge

17.11.2006.
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